

2005

STATE OF NEBRASKA

Statutes, Rules and Regulations

Relating to:

EMERGENCY MEDICAL SERVICES TRAINING AGENCIES

TITLE 172 NAC 13



**Nebraska Department of Health
and Human Services**

**Division of Public Health
Licensure Unit**

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TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 13 EMERGENCY MEDICAL SERVICES TRAINING AGENCIES

13-001 SCOPE AND AUTHORITY: These regulations apply to the approval procedures for Emergency Medical Services (EMS) Training Agencies as defined by Neb. Rev. Stat. §§ 71-5172 to 71-51,103 and the Uniform Licensing Law.

13-002 DEFINITIONS:

Accredited means obtained accreditation from an accrediting body recognized by the United States Department of Education.

Act means Neb. Rev. Stat. §§ 71-5172 to 71-51,103 known as the Emergency Medical Services Act.

Advanced Airway Management means the use of visualized or non-visualized devices that are inserted through the mouth or nose of patients, who are in respiratory distress, to allow passage of air and oxygen to the lungs.

Advanced Life Support Service means an Emergency Medical Service that utilizes personnel that have been trained and certified as Emergency Medical Technician-Intermediates or Emergency Medical Technician-Paramedics and has equipment available commensurate with that level of training.

Approved Distributive Learning Organization means an educational institution, a national, state, regional, or local agency or association, a non-profit corporation, a for-profit corporation, a hospital, or any combination of the above who offer a distributive learning program or programs approved by the Department upon recommendation of the Board.

Approved Emergency Medical Services Training Agency means a person which is approved to conduct training by the Department upon recommendation of the Board.

Attest/Attestation means that the individual declares that all statements on the application/petition are true and complete.

Board means the Board of Emergency Medical Services.

Basic Life Support Service means an Emergency Medical Service that utilizes personnel that have been trained and certified, as a minimum, as Emergency Medical Technicians and has equipment available commensurate with that level of training.

Care and Treatment Standards means the more current standards established by a nationally recognized organization that, through research, accepted practice, and/or patient experience, issues guidelines for the care and treatment of patients in the emergency and/or out of hospital environment.

Certifying Examination means the examinations approved by the Board to be used as one of the requirements for certification as a First Responder, Emergency Medical Technician, Emergency Medical Technician-Intermediate, or Emergency Medical Technician-Paramedic which consist of both a practical and written component.

Clinical Training means instruction or training in a supervised practice of emergency medical skills in hospital settings such as critical care units, emergency departments, obstetrical units, or operating rooms or in other medical settings such as a clinic or office of an individual licensed to practice medicine and surgery.

Department means the Department of Health and Human Services Regulation and Licensure.

Distributive Learning means an instructional model that allows instructor, students, and content to be located in different non-centralized locations so that instruction and content occur independent of time and place and may be offered in one or more of the following strategies: print, internet, videotape, CD-ROM/DVD, satellite and television.

Distributive Learning Program means a course, class, and or printed material, offered for credit toward out-of-hospital emergency care provider certificate renewal, presented in the strategies consistent with the Distant Learning definition, covers the subject matter of the EMS courses and follows the current care and treatment standards.

EMS Courses means any one or more of the following as defined in Neb. Rev. Stat. § 71-5179.

1. First Responder Course means a course of instruction that meets the United States Department of Transportation, National Highway Traffic Safety Administration, First Responder: National Standard Curriculum. Included in the course are the learning and skill objectives of the subject matter, automatic/semi-automatic external defibrillator module, trauma module-lessons on "Musculoskeletal Care" and "Injuries to the Head and Spine," and airway module from the Emergency Medical Technician course and administration of epinephrine via auto injectors and aspirin. The appendice for administration of epinephrine via auto injectors and aspirin and the airway, trauma, and automatic/semi-automatic external defibrillator modules are optional training that may be included with the core curriculum or may be taught as separate modules.
2. Emergency Medical Technician Course means a course of instruction that meets the United States Department of Transportation, National Highway Traffic Safety Administration, Emergency Medical Technician: National Standard Curriculum, including the appendices of advanced airway management, administration of intravenous fluids, monitoring of intravenous fluids, administration of epinephrine via auto injectors, albuterol

and aspirin, and the use of Federal Drug Administration approved home monitoring glucometers and oximeters. The appendices to the Emergency Medical Technician Course are optional training that may be included with the core curriculum or may be taught as separate modules.

3. Emergency Medical Technician-Intermediate Course means a course of instruction that meets the United States Department of Transportation, National Highway Traffic Safety Administration, Emergency Medical Technician-Intermediate: National Standard Curriculum.
4. Emergency Medical Technician-Paramedic Course means a course of instruction that meets the United States Department of Transportation, National Highway Traffic Safety Administration, Emergency Medical Technician-Paramedic: National Standard Curriculum.
5. Pre-Hospital Emergency Care Course for Nurses means a course of instruction that has been developed by the Department to train Licensed Registered Nurses and Licensed Practical Nurses in the subject matter of the Emergency Medical Technician Course that was not taught in the nurses training.
6. Emergency Medical Technician-Refresher Course means a course of instruction that meets the United States Department of Transportation, National Highway Traffic Safety Administration, Emergency Medical Technician-Refresher: National Standard Curriculum with an end of the course examination that includes: 1. One hundred written questions with ten questions covering each module; and 2. A skills examination covering the emergency medical technician certifying examination skills.
7. First Responder-Refresher Course means a course of instruction that meets the United States Department of Transportation, National Highway Traffic Safety Administration, First Responder Refresher: National Standard Curriculum with an end of the course examination that includes: 1. One hundred written questions with ten questions covering each module; and 2. A skills examination covering the first responder certifying examination skills.
8. First Responder to Emergency Medical Technician-Bridge Course means a course of instruction developed by the Department to train Certified First Responders in the subject matter of the Emergency Medical Technician Course that was not taught in the First Responder Course.
9. Emergency Medical Technician-Intermediate Refresher Course means a course of instruction that meets the United States Department of Transportation, National Highway Traffic Safety Administration, Emergency Medical Technician-Intermediate Refresher: National Standard Curriculum.
10. Emergency Medical Technician-Paramedic Refresher Course means a course of instruction that meets the United States Department of Transportation, National Highway

Traffic Safety Administration, Emergency Medical Technician-Paramedic Refresher: National Standard Curriculum.

11. Emergency Medical Service Instructor Training Program means a course of instruction that meets the United States Department of Transportation, National Highway Traffic Safety Administration, Emergency Medical Services Instructor Training Program: A National Standard Curriculum.

Emergency Medical Service means the organization responding to a perceived individual need for immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury and which is licensed either as a basic life support service or an advanced life support service.

Emergency Medical Service (EMS) Instructor means an individual who has a current certificate to practice as an EMS instructor.

Field Internship means a period of supervised experience with an emergency medical service which proceeds from observation to providing care commensurate with the individuals training.

National Registry of Emergency Medical Technicians means the organization that develops minimum competency certifying examinations for EMS courses except for the Emergency Medical Technician-Refresher Course, the First Responder-Refresher Course and the Emergency Medical Services Instructor Training Program.

Official means issued by and under the original seal of the issuing agency.

Person means an individual, firm, partnership, limited liability company, corporation, company, association, or joint-stock company or association or group of individuals acting together for a common purpose and includes the State of Nebraska and any agency or political subdivision of the state.

Primary Instructor means a certified EMS instructor who must attend a majority of the class sessions to assure course continuity and identifies that students have the cognitive, affective and psychomotor skills necessary to function at the level being taught.

Training Agency Medical Director means an individual licensed to practice medicine and surgery pursuant to Neb. Rev. Stat. §§ 71-1,102 to 71-1,107 or osteopathic medicine and surgery pursuant to Neb. Rev. Stat. §§ 71-1,137 to 71-1,141 and who is responsible for the medical supervision of the curriculum of an approved training agency and verification of the skill proficiency of the students.

13-003 REQUIREMENTS FOR APPROVAL AS AN EMERGENCY MEDICAL SERVICE TRAINING AGENCY: Any person or agency who intends to provide training, utilizing EMS curriculum as defined in 172 NAC 13-002 to prepare individuals for certification as out-of-hospital emergency care providers must be approved by the Department.

13-003.01 An applicant applying to become an approved emergency medical service training agency must:

1. Be an accredited community college, college, university, or a school of nursing in this state that awards an academic degree to its graduates or a person as defined in 172 NAC 13-002;
2. Have a written agreement with a qualified physician to serve as the training agency medical director;
3. Have written agreements with hospital(s) for clinical training of students for the level of training being conducted in accordance with the EMS courses;
4. Have written agreements with licensed emergency medical services for field internships for the level of training being conducted in accordance with the EMS courses;
5. Meet the training standards as defined in 172 NAC 13-004;
6. Admit individuals to EMS courses who meet the prerequisite requirements as identified in the EMS courses;
7. Utilize instructors who hold a certificate/license in or above the discipline that they are teaching or have demonstrated expertise in the subject matter being taught;
8. Utilize courses as defined in 172 NAC 13-002;
9. Provide adequate facilities, equipment, apparatus, supplies and staffing as required by the EMS course for each respective course as defined in 172 NAC 13-002;
10. Comply with local fire, building, health, and safety requirements, and be able to accommodate the educational requirement of the EMS courses being taught;
11. Not have any felony convictions if they have any financial interest of 25% or more of the ownership; and
12. Publish a catalog which includes at least the following information:
 - a. The full name and address of the school;
 - b. Names of owners and officers, including any governing boards;
 - c. A description of each authorized educational service offered, including courses or programs offered, tuition, fees, and length of courses.
 - d. Enrollment procedures and entrance requirements, including late enrollment if permitted;
 - e. A description of the training agencies placement assistance. If no assistance is offered, the school must state this fact;

- f. Attendance policy including minimum attendance requirements;
 - g. The policy concerning satisfactory progress will include:
 - (1) How progress is measured and evaluated, including an explanation of any system of grading used;
 - (2) The conditions under which the student may be readmitted if terminated for unsatisfactory progress, and
 - (3) Explanation of any probation policy.
 - h. A description of the system used to make progress reports to students;
 - i. An explanation of the refund policy which also includes the training agencies method of determining the official date of termination;
 - j. A policy that addresses student harassment and training agency action if such harassment takes place.
13. Submit to the Department:
- a. An application for approval as an emergency medical service training agency. The application may be submitted on a form provided by the Department or on an alternate format which includes the following information:
 - (1) Applicant information:
 - (a) Name of the training agency;
 - (b) Mailing address including street, P.O. Box, route, city, state, and zip code;
 - (c) Telephone number;
 - (d) Name of the contact person;
 - (e) Name of the training agency medical director;
 - (f) License number of the medical director;
 - (g) Mailing address of the training agency medical director;
 - (h) Telephone number of the training agency medical director;
 - (2) A copy of the training agency's accreditation certificate as defined in 172 NAC 13-003.01 item 1, if applicable;
 - (3) A copy of the written agreement with the physician medical director;
 - (4) A copy of the written agreement with the hospital(s), clinic(s), and/or physician office(s) that will provide clinical training;
 - (5) A copy of the written agreement with the licensed emergency medical service that will provide field internships as applicable;
 - (6) A listing of the names of persons who have financial interest in the school as defined in 172 NAC 13-003.01, item 11;

- (7) A copy of the training agencies catalogue as defined in 172 NAC 13-003.01, item 12;
 - (8) File with the Department a good and sufficient surety bond in the penal sum of \$20,000. The bond must be executed by the applicant as principal and by a surety company qualified and authorized to do business in this state. The bond must be conditioned to provide indemnification for any student or enrollee or his/her parent or guardian determined by the Department to have suffered loss or damage as a result of any act or practice which is a violation of these regulations by the school and that the surety also must pay any final judgement rendered by any court of this state having jurisdiction upon receipt of written notification of the judgement from the Department. Regardless of the number of years that the bond is in force, the aggregate liability of the surety thereon must in no event exceed the penal sum of the bond. The bond must be continuous. Applicants who are accredited as defined in 172 NAC 13-002 and municipalities that are self-insured are exempt from the surety bond requirement; and
 - (9) A list of the names of the primary instructor(s) and their level of certification;
 - (10) Attestation by the applicant
 - (a) That the entity has not provided training as an emergency medical service training agency in Nebraska prior to the application for approval; or
 - (b) To the actual number of days that the entity provided emergency medical service training in Nebraska prior to the application for approval.
 - (11) A signed statement by the head of the training agency, the contact person, and the medical director attesting to the accuracy of the application and all of its attachments.
14. Administrative Penalty/Other Action: An entity who provides emergency medical service training prior to approval, is subject to assessment of an administrative penalty pursuant to 172 NAC 13-016, or such other action as provided in the statutes and regulations governing the approval.

13-003.02 The Department will:

- 1. Review the application to determine completeness. Applications must be received at least 90 days prior to when the training agency expects to commence training;
- 2. Notify the applicant of the need for additional information/documentation; and
- 3. After the application is complete, the Department will forward the completed application to the Board for its review.

13-003.03 The Board will:

- 1. Schedule an inspection within 15 working days after it receives the application for review; and

2. Make its recommendations for approval or denial of the application at the next scheduled meeting of the Board.

13-003.04 The Department, after receiving the Board's recommendations, issues or denies a certificate of approval within 150 days after receipt of the application.

13-003.05 The Department issues a certificate to the emergency medical service training agency when all requirements are met.

13-003.06 Emergency Medical Service Training Agencies Approved Prior to the Effective Date of these Regulations: All EMS training agencies, who were approved emergency medical service training agencies prior to March 9, 1999, will continue to be approved at their current level of approval. Approved training agencies which request to change their level of training must reapply and meet the requirements as set out in 172 NAC 13-003.01.

13-004 STANDARDS FOR OPERATING AS AN EMERGENCY MEDICAL SERVICE TRAINING AGENCY: Emergency medical service training agencies must meet the following standards:

13-004.01 All EMS training agencies must meet the standards required by the EMS courses.

13-004.02 Training agencies may teach one or more of the EMS courses as defined in 172 NAC 13-002.

13-004.03 EMS training agencies must use primary instructors for the administration, coordination, and/or teaching of EMS courses as defined in 172 NAC 13-002.

13-004.04 Training agencies must conduct the practical skill component of the certifying examination for students enrolled in the following EMS courses.

1. Emergency Medical Technician course to include, when applicable, advanced airway management, intravenous administration and monitoring skills, and glucose monitoring devices;
2. Pre-Hospital Emergency Care Course for Nurses to include, when applicable, advanced airway management, intravenous administration and monitoring skills, and glucose monitoring devices;
3. First Responder course to include automatic/semi-automatic defibrillator; and
4. First Responder to Emergency Medical Technician-Bridge course to include, when applicable, advanced airway management, intravenous administration and monitoring skills, and glucose monitoring devices.

13-004.05 Training agencies must provide official verification to individuals who have successfully completed any of the EMS courses.

13-004.06 Training agencies must maintain, as a minimum, the following records for EMS courses taught.

1. Student records that include:
 - a. Name and address for each student enrolled in EMS Courses;
 - b. Grades for each written examination;
 - c. Documentation of successful completion of each student's National Registry practical skill evaluations, and advanced airway management, intravenous monitoring, automatic/semi-automatic defibrillator, and glucose monitoring devices practical skills as defined in 172 NAC 13-004.04; and
 - d. Copies of each student's documentation of entrance requirements to each course including a copy of the individual's CPR certification.
2. Instructor and course records that include:
 - a. Names and qualifications of the primary instructors;
 - b. Names and qualifications of other EMS course instructors;
 - c. Instructor evaluation records completed by students and training agency personnel;
 - d. Names and qualifications of the practical examination evaluators for the EMS courses identified in 172 NAC 13-004.04; and
 - e. Names and qualifications of field internship supervisors.

13-004.07 Conduct at least one EMS course each calendar year.

13-004.08 Have at least 70% of the students who successfully complete the first responder course, emergency medical technician course, the emergency medical technician-intermediate course, and emergency medical technician-paramedic course pass the written certifying examination within two years of course completion.

13-004.09 If a training agency does not annually conduct an EMS course as identified in 172 NAC 13-004.07, it must document the rationale for non-compliance with these regulations.

13-004.10 All approved training agencies must develop and implement a quality assurance program for instruction. The quality assurance program must:

1. Establish and implement policies and procedures for periodic observation of all instructors;
2. Establish and implement a mentoring program for each new EMS instructor. Each new EMS instructor will be assigned a mentor who has a background in the course being taught or in teaching. The assigned mentor will complete an evaluation of his/her assignee at least once prior to renewal of the new instructor's certificate;
3. Establish and have completed student evaluations during and after each EMS course taught;
4. Establish and implement a remediation plan for all noted instructor deficiencies. Documentation of remediation shall be maintained for five years; and
5. Conduct semi-annual meetings with each EMS course instructor for the purpose of discussing training issues and identifying any instruction needs. These meetings

may be held face to face or by other means of telecommunication. These meetings must be documented. The documentation must be maintained for five years.

13-005 RESPONSIBILITIES OF EMERGENCY MEDICAL SERVICE TRAINING AGENCY

MEDICAL DIRECTORS: The training agency medical director's responsibilities include, but not be limited to, the following:

1. The ultimate medical authority regarding course content, procedures, and protocols;
2. Acting as a liaison between the training agency and the medical community;
3. Reviewing the quality of care rendered by the out-of-hospital emergency care provider student in the field, hospital, clinic, and/or physicians offices;
4. Verifying student competence in the cognitive, affective and psychomotor domains; and
5. Reviewing all examinations.

13-006 REVIEW OF APPROVED EMERGENCY MEDICAL SERVICE TRAINING AGENCIES:

Emergency medical service training agencies must have an on-site review, conducted by the Department or its designee, at least once each three years. Each review will evaluate compliance with 172 NAC 13-003.01 items 1 – 12 and 13-004. Training agencies identified in 172 NAC 13-003.06 are exempt from the requirements defined in 172 NAC 13-003.01 item 1.

13-007 GROUNDS ON WHICH THE DEPARTMENT MAY DENY APPROVAL OR DISCIPLINE AN EMERGENCY MEDICAL SERVICE TRAINING AGENCY

13-007.01 The Department will deny an application for approval when the applicant fails to meet the requirements specified in 172 NAC 13-003

13-007.02 The Department may discipline an emergency medical service training agency for any of the following grounds:

1. Violation of the regulations promulgated thereto governing the approval of emergency medical service training agencies;
2. Acting negligently in performing the authorized services;
3. Fraud, forgery, or misrepresentation of material facts, in procuring or attempting to procure approval as an emergency medical services training program;
4. Permitting, aiding, or abetting the practice or profession or the performance of activities requiring a license or certification by a person not licensed or certified to do so;
5. Use of untruthful or improbable statements, or flamboyant, exaggerated, or extravagant claims concerning such training agency's professional excellence or abilities, in advertisements;
6. Providing EMS courses while the emergency medical service training agencies approval is suspended or in contravention of a limitation placed upon the approval.
7. Grossly immoral or dishonorable conduct evidencing unfitness or lack of proficiency sufficient to meet the standards required for operation of an approved emergency medical service training agency;
8. Operation of the emergency medical service training agency (a) fraudulently,

- (b) beyond its authorized scope, (c) with manifest incapacity, or (d) with gross incompetence or gross negligence, or (e) in a pattern of negligent conduct. Pattern of negligent conduct means a continued course of negligent conduct in performing the duties of the profession;
9. Conviction of fraudulent or misleading advertising or conviction of a violation of the Uniform Deceptive Trade Practices Act;
 10. Distribution of intoxicating liquors, controlled substances, or drugs for any other than lawful purposes;
 11. Willful or repeated violations of Neb. Rev. Stat. §§ 71-147 to 71-148 of the Uniform Licensing Law or the rules and regulations of the Department relating to the training agencies operation of an emergency medical service training agency; and
 12. Unprofessional conduct, as defined in Neb. Rev. Stat. § 71-148.

13-008 RESERVED

13-009 REQUIREMENTS FOR CHANGES IN MEDICAL DIRECTOR, TRANSFERRING AND CLOSING AN EMERGENCY MEDICAL SERVICE TRAINING AGENCY: The following procedures

must be followed by training agencies who wish to change their medical director, transfer control, or who wish to close their training agency.

13-009.01 A change in the physician medical director for an emergency medical service training agency requires the submission of a letter from the training agency which delineates the following:

1. Termination date of the current physician medical director;
2. Name of the new physician medical director;
3. Effective date of the appointment of the new physician medical director;
4. A statement by the new physician medical director that s/he has reviewed the training agency's application on file in the Department and either agrees with it or delineates any changes to the application;
5. A statement from the new physician medical director that states that the training agency will operate in accordance with the current statutes, regulations and application; and
6. The letter must be signed and dated by the new physician medical director.

13-009.02 If an emergency medical service training agency wants to transfer control of an approved training agency, the new controlling person must comply with the same requirements as for the establishment of a new out-of-hospital emergency medical services training agency as defined in 172 NAC 13-003.

13-009.03 If a training agency wants to terminate its training approval, it must notify the Department at least six months in advance of the termination, when possible, and submits to the Department the plan for completion of the training or transfer of students currently enrolled in the approved training agency and the disposition of records of the approved training agency. All requirements for operation must be maintained until the approved training agency is officially closed.

13-009.04 The approval of the training agency is considered null and void by the Department immediately after the date the last enrolled student completes the EMS course being taken, is transferred to another approved training agency, or voluntarily withdraws from the approved training agency.

13-009.05 The person operating the training agency is responsible for notifying the Department of the method of retention, storage, or transfer of all of the training agency's emergency medical service training records.

13-009.06 Any change of ownership of an emergency medical service training agency requires a new application for approval.

13-010 REQUIREMENTS FOR APPROVING ORGANIZATIONS ISSUING A CARDIOPULMONARY RESUSCITATION CERTIFICATION: The Board will annually review and approve any nationally recognized organization, issuing cardiopulmonary resuscitation certificates to out-of-hospital emergency medical care providers, whose course meets the following criteria:

1. A Cardiopulmonary Resuscitation course curriculum must include but not be limited to the following components:
 - a. Two person adult resuscitation;
 - b. One person adult resuscitation;
 - c. Procedure for treating an adult with an obstructed airway;
 - d. One person child resuscitation;
 - e. Procedure for treating a child with an obstructed airway;
 - f. One person infant resuscitation;
 - g. Procedure for treating an infant with an obstructed airway;
 - h. Using barrier devices; and
 - i. Requiring a written and practical skills evaluation for each student.
2. A Cardiopulmonary Resuscitation course must be taught by an individual: Recognized as:
 - a. An American Heart Association Basic Life Support Instructor;
 - b. An American Heart Association Basic Life Support Instructor Trainer;
 - c. An American Heart Association Basic Life Support Regional Faculty;
 - d. An American Heart Association Basic Life Support National Faculty;
 - e. An American Red Cross Professional Rescuer Instructor Trainer;
 - f. An American Red Cross CPR for the Professional Rescuer Instructor;
 - g. A National Safety Council Basic Life Support Instructor;
 - h. A National Safety Council Basic Life Support Instructor Trainer; or
 - i. An individual who has completed and passed an instructor course which trains instructors to teach a cardiopulmonary resuscitation course which includes the components identified in 172 NAC 13-010 item 1.
3. The organization issuing the cardiopulmonary resuscitation certificate must issue a certificate to each individual who completes the course that identifies the following:
 - a. Name of the course;
 - b. Name of the person passing the course;
 - c. Date the certificate was issued;
 - d. Date the certificate expires;
 - e. Name of the organization issuing the certificate; and
 - f. Name of the instructor.
4. The cardiopulmonary resuscitation certificate issued by an approved organization will expire no more than two years from the date of issuance.
5. The organization issuing the cardiopulmonary resuscitation certificate maintains the records of the training for three years. The records are to include:
 - a. Course rosters indicating attendance at each session of the course;
 - b. Course curricula;
 - c. Documentation of successful completion of the skills evaluation; and

- d. Documentation of successful completion of the written evaluation.
- 6. The records of the course must be available for inspection and copying by the Department.

13-011 REAPPLICATION REQUIREMENTS AND PROCEDURES FOR AN EMERGENCY MEDICAL SERVICE TRAINING AGENCY: An emergency medical service training agency whose approval has been revoked for disciplinary action, must reapply to the Department as set forth in 172 NAC 13-003.

13-012 EMERGENCY MEDICAL SERVICE INSTRUCTOR CERTIFICATION: Any person who wishes to represent himself/ herself as an emergency medical service instructor must be certified as such. The criteria for issuance of certification, renewal, recertification and reinstatement after disciplinary action and the documentation required by the Department are set forth below.

13-012.01 Initial Certification: An applicant for initial certification as an emergency medical service instructor must meet the following requirements:

1. Be at least 18 years of age;
2. Hold a current certification as an out-of-hospital emergency care provider at or above the level being taught;
3. Have successfully completed:
 - a. The 1986, 1995, or 2002 U. S. Department of Transportation, National Highway Traffic Administration Emergency Medical Service Instructor Course; or
 - b. A college or university program where the applicant received a bachelor's degree or above in education; or
 - c. The National Fire Protection Agency 1041 Instructor 2 Course; or
 - d. The Nebraska EMS Instructor Course.
4. Must have at least three years of field experience as an out-of-hospital emergency care provider.
5. Demonstrate skill competency in the National Registry skills at the level being taught by:
 - a. Having a current National Registry Certificate; OR
 - b. Submitting documentation of successfully completing a practical examination over the National Registry skills conducted by a certified EMS instructor, training agency physician medical director or training agency physician surrogate.
6. Submit to the Department an application for an emergency medical service instructor certification. The application may be submitted on a form provided by the Department or on an alternate format which includes the following Information:

- a. Name;
 - b. Mailing address including street, P.O. Box, route, city, state, and zip code;
 - c. Date of birth;
 - d. Home and work telephone numbers (optional);
 - e. Social security number;
 - f. Out-of-hospital emergency care provider certificate number;
 - g. Level that will be taught;
 - h. List the emergency medical services where you practiced for the past three years as an out-of hospital emergency care provider, the dates you were a member of the service, and the name of the service officer;
 - i. If convicted of a felony or misdemeanor applicant must submit the following:
 - (1) Official courts records relating to the conviction and disposition; and letter of explanation of conviction;
 - (2) List state, license number, date license issued, and expiration date of license for each state where you have been or are currently licensed;
 - j. If any disciplinary action was taken against applicant's license by another state applicant must submit a letter of explanation of the disciplinary action; and
 - k. Attestation by the applicant:
 - (1) That s/he has not practiced as a primary instructor in Nebraska prior to the application for an EMS instructor certificate; or
 - (2) To the actual number of days practiced as a primary instructor in Nebraska prior to the application for an EMS instructor certificate.
 - l. Sign and date the following statement: I hereby certify that the preceding information is correct to the best of my knowledge and I further certify that I have attained the age of 18 years, am not addicted to narcotics or dangerous drugs, do not habitually and excessively use alcohol, narcotics, or dangerous drugs to a degree that my ability to provide emergency medical care is impaired, and I am of good moral character
 - m. Documentation of the following:
 - (1) Certificate or Official transcript showing successful completion of 172 NAC13-012.01, item 3 a-d; AND
 - (2) Copy of a current certificate from the National Registry of Emergency Medical Technicians; OR
 - (3) Verification from a certified EMS instructor, training agency physician medical director or training agency physician surrogate that the applicant has successfully completed a practical examination over the National Registry skills for the level being taught.
7. Administrative Penalty/Other Action: An individual who practices as a primary instructor prior to issuance of a certificate, is subject to assessment of an administrative penalty pursuant to 172 NAC 13-016, or such other action as provided in the statutes and regulations governing the certificate.

13-012.02 Renewal Requirements For Emergency Medical Service Instructors Certificates: An individual holding a current certification as an emergency medical service instructor and requesting renewal will submit a completed application for renewal attesting that the applicant has the following:

1. Current certificate as an out-of-hospital emergency care provider. The certificate must be at or above the level being taught by the EMS instructor;
2. Attestation of completion of 18 hours of continuing education, within the 36 months preceding the certificate expiration date, in educational subject matter that includes all of the following subjects:
 - a. EMS Course Curriculum Updates;
 - b. EMS legislation and regulations;
 - c. EMS evaluation methods;
 - d. Principles of adult education.
3. Current certificate as a basic cardiac life support instructor or advanced cardiac life support instructor or above; and
4. Documentation of teaching at least 12 hours of adult education in public safety related items and health care within the renewal period.
5. All emergency medical service instructors certificates will expire on December 31 of the third year after issuance.
6. The Department will send a renewal notice to the address of record, of those certificate holders whose certificates expire on December 31 of that year.

13-012.02A The renewal notice will specify:

1. Name;
2. Address;
3. Certification number; AND
4. Date of expiration.

13-012.02B The certificate holder must apply for renewal by submitting to the Department:

1. The renewal notice;
 - (a) The renewal notice;
 - (b) Certificate holder's social security number
 - (c) Attestation of completion of 18 hours continuing education earned within 36 months of the date of expiration;
 - (d) If any disciplinary action was taken against the applicant's certificate by another state, an official copy of the disciplinary action, including charges and disposition;
 - (e) If the certificate holder has been convicted of a felony or misdemeanor:
 - (1) Official Court Record, which includes charges and disposition;
 - (2) Copies of arrest records;
 - (3) A letter from the licensee explaining the nature of the conviction;

- (4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
- (5) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.

13-012.03 RECERTIFICATION REQUIREMENTS FOR EXPIRED EMERGENCY MEDICAL SERVICE INSTRUCTORS CERTIFICATES: An individual whose emergency medical service instructors certificate has expired and who is seeking recertification must submit a completed application and documentation.

13-012.03A Emergency Medical Service Instructors whose certifications have expired for less than one year and the renewal criteria have been met: Applicants for recertification who can document that they had met the renewal requirements of 172 NAC 13-012.02 prior to the expiration of their certificates must submit on a form provided by the Department or on an alternate format that includes the following information:

1. Name;
2. Mailing address;
3. Date of birth;
4. Social Security number;
5. If the instructor is affiliated with a training agency and address of the approved training agency; and
6. Documentation of the completion of renewal requirements as defined in 172 NAC 13-012.02.
7. Attestation by the applicant:
 - a. That s/he has not practiced as a primary instructor in Nebraska prior to the application for an EMS instructor certificate; or
 - b. To the actual number of days practiced as a primary instructor in Nebraska prior to the application for an EMS instructor certificate.

13-012.03B Applicants for recertification who have not met the renewal requirements as defined in 172 NAC 13-012.02 must meet the following requirements in order to be recertified:

1. Current certificate as an out-of-hospital emergency care provider. The certificate must be at or above the level being taught by the EMS instructor; and
2. Documentation of completion of 18 hours of continuing education, within the 18 months preceding the date of the application for recertification, in educational subject matter that includes all of the following subjects:
 - a. EMS course curriculum updates;
 - b. EMS legislation and regulations;
 - c. EMS evaluation methods; and
 - d. Principles of adult education.

3. Current certificate as a basic cardiac life support instructor or advanced cardiac life support instructor or above; and
4. Documentation of teaching at least 12 hours of adult education in public safety related items and health care within 18 months preceding the date of the application for recertification.
5. Attestation by the applicant:
 - a. That s/he has not practiced as a primary instructor in Nebraska prior to the application for an EMS instructor certificate; or
 - b. To the actual number of days practiced as a primary instructor in Nebraska prior to the application for an EMS instructor certificate.

13-012.04 Reinstatement Of An Emergency Medical Service Instructors Certificate After Disciplinary Action

13-012.04A A person whose emergency medical service instructors certificate has been suspended or has had limitations placed thereon may petition the Board to recommend reinstatement of the certificate at any time according to the procedures defined in 172 NAC 11-008.

13-012.04B A person whose certificate has been revoked may petition the Board to recommend reinstatement after two years have elapsed from the date of revocation according to the procedures outlined in 172 NAC 11-008.

13-012.05 The Department will act on all completed applications within 150 days after receipt of the application.

13-012.06 If the Department proposes to deny, refuse renewal of, refuse recertification of, limit, revoke, or suspend a certificate, the applicant or certificate holder will be given an opportunity for a hearing before the Department and will have the right to present evidence on his/her own behalf. Hearings before the Department will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Rules of Practice and Procedure for the Department.

13-012.07 Appeal Process. If the individual does not accept the Director's decision, s/he may appeal such decision to the District Court pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act.

13-013 GROUNDS ON WHICH THE DEPARTMENT MAY DENY, REFUSE RENEWAL OF, REFUSE RECERTIFICATION OF, OR DISCIPLINE AN EMS INSTRUCTOR CERTIFICATE

13-013.01 The Department will deny an application for a certificate when the applicant fails to meet the requirements for certification as specified in 172 NAC 13-012.01.

13-013.02 The Department will refuse recertification of an EMS instructor certificate if the certificate holder fails to meet the requirements specified in 172 NAC 13-012.02.

13-013.03 The Department may deny, refuse renewal of, refuse recertification of, limit, suspend or revoke certificates for the grounds specified in 172 NAC 11-007 and for unprofessional conduct which terms include all acts specified in Neb. Rev. Stat. § 71-148 and such other acts which include but are not limited to:

1. Use of inappropriate language during the course of instruction, such as obscenities, vulgarisms, or other offensive language;
2. Assigning duties to unqualified personnel for which the EMS instructor is responsible;
3. Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of duties involving instruction; and
4. Engaging in sexual harassment of students. Sexual harassment includes making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature for the purpose or effect of creating an intimidating, hostile, or offensive learning environment.

13-014 REQUIREMENTS FOR APPROVAL AS A DISTRIBUTIVE LEARNING ORGANIZATION:
Any organization who intends to provide distributive learning programs for the purpose of issuing certificates of completion and/or award hours toward renewal of out-of-hospital emergency care provider certification must be approved by the Department.

13-014.01 An applicant applying to become an approved Distributive Learning Organization must:

1. Be accredited by the Continuing Education Coordinating Board of Emergency Medical Services (CECBEMS); or
2. Be an educational institution, a national, state, regional, or local agency or any combination of the above;
3. Conduct and document an assessment of each distributive learning program. An assessment must be completed on each distributive learning program annually or prior to initial distribution. The assessment must include:
 - a. Review of each distributive learning program's objectives for adherence to care and treatment standards;
 - b. Review of the media in which the distributive learning program is produced to ensure it is of good quality in appearance and has not been edited or tampered with by an unauthorized third party;
 - c. Review of student evaluations of its distributive learning programs by mail, electronic mail, Internet, or direct voice comment. Each test should:
 - (1) Cover the distributive learning program's objectives;
 - (2) Be knowledge appropriate for the targeted level of out-of-hospital emergency care provider; and

- (3) Require a score of pass/fail for each student before a certificate of completion is awarded.
- 4. Test each student who completes a distributive learning program and maintain records of individual scores;
- 5. Utilize a quality assurance (QA) and/or quality improvement (QI) model with each distributive learning program that will delineate the areas that need improvement. The QA/QI model must include:
 - a. Student satisfaction surveys. The surveys must include questions that indicate if:
 - (1) The program's instruction is of high quality;
 - (2) The media used was clear; and
 - (3) The program was easy to use.
 - b. An evaluation of test pass rates for:
 - (1) Each individual distributive learning program; and
 - (2) All distributive learning program offerings authored/instructed by the same individual or group of authors/instructors.
 - c. Test group or committee evaluations of each new distributive learning program. The evaluations will contain:
 - (1) Review of the security for awarding certificates of completion to ensure that only students who complete the program requirements are awarded such certificates; and
 - (2) Review of the organization's management of:
 - (a) Compliance with the requirements of these regulations;
 - (b) Record keeping maintenance;
 - (c) New program development; and
 - (d) Instructor/author development.
- 6. Have a program coordinator;
- 7. Utilize individual(s) trained in educational delivery and/or expert(s) in the specific distributive learning program contents to develop the program's objectives, content, instructional style or authorship, and method of delivery. The program may utilize professional narrators and actors to professionally deliver the program under the direction of the program's development expert;
- 8. Clearly display the organizational name, address, phone number, program, author/instructors names in any information regarding each distributive learning program;

9. Have a secured system to protect all electronic transfers of student information, test score results, certificates of completion, and evaluations; and
10. Have a system for awarding certificates of completion for each individual that successfully completes one of the organization's distributive learning programs; and
11. Submit an application provided by the Department for approval as a distributive learning organization or on an alternate format which includes:
 - a. The organization name;
 - b. The organization address and telephone number;
 - c. The organization program coordinator name; and
 - d. The following attachments
 - (1) Copy of the policy and procedure addressing the security system for protecting all electronic transfers of student information, test score results, certificates of completion and evaluations;
 - (2) Copy of completed assessment of a distributed learning program;
 - (3) Copy of a test for a distributive learning program;
 - (4) Copy of a distributive learning program;
 - (5) Copy of the organization's Quality Assurance/Improvement policy and process;
 - (6) Sample of a certificate of completion; and
 - (7) List of the organizations instructors/authors and each individual's qualifications; or
 - (8) A copy of the Certificate of Accreditation from CECBEMS.

13-014.02 A representative or designee of the Department may request information from the Distributive Learning Organization with these regulations if a complaint has been received that alleges that the distributive learning organization has violated the Emergency Medical Services Act or these regulations.

13-014.03 The Distributive Learning Organization may submit the additional information as the applicant may consider relevant to the application and compliance with the provisions of these regulations.

13-014.04 In the event that an application is determined to be incomplete, the Department will notify the applicant of the information necessary to complete the application and retain the application submitted pending receipt of the additional information. The applicant will have ten days in which to provide the information necessary to complete the application. Should an applicant fail to complete the application within the ten day period, all materials will be returned and a new application will be necessary.

13-014.05 Grounds for Denial of Approval as a Distributive Learning Organization: The Department will deny an application for approval as a distributive learning organization or will suspend or revoke approval as a distributive learning organization on any of the following grounds:

1. Fraud or misrepresentation of information in the application; or
2. Distributive Learning Organization fails to meet the requirements as specified in 172 NAC 13-014.

13-014.06 Once a distributive learning organization is granted approval by the Department reapproval will not be required, except if approval has been suspended or revoked.

13-014.07 The Department may grant or deny an application for approval as a distributive learning organization. Should the Department determine to deny an application for approval as a distributive learning organization, it will send to the applicant by either certified or registered mail to the last address of record in the Department, a notice setting forth the reason/reasons for the determination. The denial will become final 30 days after the mailing of the notice unless the applicant within the 30 day period, gives written notice to the Department requesting a hearing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1 of the Rules of Practice and Procedure for the Department.

13-015 SCHEDULE OF FEES: The following fees have been set by the Department:

1. Certification of Credential Fee: For issuance of a certification of an EMS training agency or EMS instructor the fee of \$25. The certification includes information regarding:
 - a. The basis on which a credential was issued;
 - b. The date of issuance;
 - c. Whether disciplinary action has been taken against the credential; and
 - d. The current status of the credential.
2. Verification Credential Fee: For issuance of a verification of a credential the fee of \$5. The verification includes written confirmation as to whether a credential was valid at the time the request was made.
3. Duplicate Credential Fee: By an applicant for a duplicate original credential or a reissued credential, the fee of \$10.

13-016 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists that a person or entity practices without a credential. Practice without a credential for the purpose of this regulation means practice:

1. Prior to the issuance of a credential;
2. Following the expiration of a credential; or
3. Prior to the reinstatement of a credential.

13-016.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without a credential:

1. The person or entity admits to engaging in practice;

2. Staffing records or other reports from the employer of the person or emergency medical service training agency indicate that the person or entity was engaged in practice;
3. Billing or payment records document the provision of service, care, or treatment by the person or entity;
4. Service, care, treatment records document the provision of service, care, or treatment by the person or entity;
5. Appointment records indicate that the person was engaged in practice;
6. The person or entity opens a business or practice site and announces or advertises that the business or site is open to provide service, care, or treatment.

For purposes of this regulation prima facie evidence means a fact presumed to be true unless disproved by some evidence to the contrary.

13-016.02 Penalty: The Department may assess an administrative penalty in the amount of \$10 per day, not to exceed a total of \$1,000 for practice without a credential. To assess such penalty, the Department will:

1. Provide written notice of the assessment to the person or entity. The notice must specify:
 - a. The total amount of the administrative penalty;
 - b. The evidence on which the administrative penalty is based;
 - c. That the person or entity may request, in writing, a hearing to contest the assessment of an administrative penalty;
 - d. That the Department will within 30 days following receipt of the payment of the administrative penalty, transmit the penalty to the State Treasurer for credit to the Permanent School fund; and
 - e. That an unpaid administrative penalty constitutes a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the District Court of the county in which the violator resides or owns property.
2. Send by certified mail, a written notice of the administrative penalty to the last known address of the person or entity to whom the penalty is assessed.

13-016.03 Administrative Hearing: When a person or entity contests the administrative penalty and requests a hearing, the Department will hold a hearing pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920 and the Department's rules and regulations adopted pursuant to these statutes.

Effective Date
December 27, 2005

NEBRASKA HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE

172 NAC 13

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Approved by Governor: December 22, 2005
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Title 172 NAC 13, Section 13-008 repealed (Page 11)

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Forms may be obtained by contacting the Credentialing Division.

Nebraska Department of Health and Human Services
Regulation and Licensure
Credentialing Division
PO Box 94986
Lincoln NE 68509-4986

Advanced Certification: (402)471-2159 or 800/422-3460 Press 1 then 2
Basic Certification: (402)471-0153 or 800/422-3460 Press 1 then 1

<http://www.hhs.state.ne.us/crl/profindex1.htm>